

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

TAYLA GREENE,  
as administrator of the estate of decedent,  
RONALD GREENE

CIVIL ACTION NO. 3:20-CV-0578

VERSUS

JUDGE TERRY DOUGHTY

TROOPER DAKOTA DEMOSS  
and MASTER TROOPER CHRIS  
HOLLINGSWORTH and MASTER  
TROOPER KORY YORK and  
SERGEANT FLOYD MCELROY and  
LIEUTENANT JOHN CLARY and CAPTAIN  
JOHN PETERS AND DEPUTY SHERIFF  
CHRISTOPHER HARPIN and JOHN DOE  
CORPORATION I-3

MAG. JUDGE KAREN L. HAYES

**MOTION TO VACATE CIVIL CASE MANAGEMENT ORDER**

NOW COMES, Defendant, TROOPER DAKOTA DEMOSS, INDIVIDUALLY  
AND IN HIS OFFICIAL CAPACITY AS A TROOPER WITH THE DEPARTMENT OF  
PUBLIC SAFETY AND CORRECTIONS, LOUISIANA STATE POLICE, who moves to  
vacate the September 1, 2021 Civil Case Management Order [Doc No. 96] for the following  
reasons:

1.

Plaintiff filed the instant litigation against several law enforcement officials. After  
waiving service under Fed. R. Civ. P. 4, DaKota DeMoss filed a Motion to Dismiss. [Doc. No.  
20]. With the exception of defendant Harpin who filed an answer, the remaining defendants  
similarly filed Motions to Dismiss [Doc. Nos. 22-23, & 40].

2.

Following plaintiff's filing of an Amended Complaint [Doc. No. 25] and Supplemental briefing [Doc. Nos. 30-31, the Magistrate Issued a Report and Recommendation. [Doc. No. 46]. Following objections, this Honorable Court issued a Judgment consistent with the Report and Recommendation. [Doc. No. 51].

3.

Based upon the Judgment, DaKota DeMoss filed a Notice of Appeal. [Doc. No 57]. The co-defendants, similarly, appealed. [Doc. Nos. 58-59].

4.

Currently, the parties filed briefs concerning the issues with the United State Court of Appeals for the Fifth Circuit. The matter is set for oral argument the week of October 4, 2021. See Exhibit A attached hereto.

5.

Based upon the appeal, this Honorable Court currently lacks jurisdiction concerning the issue of qualified immunity.

6.

Based upon the qualified immunity discovery protections, DaKota DeMoss submits that the Civil Case Management Order is premature.

**WHEREFORE**, Defendant prays that the Civil Case Management Order [Doc. No. 96] be vacated until a final judgment regarding the appeal of DaKota DeMoss' Motion to Dismiss issues.

Respectfully submitted,

JEFF LANDRY  
ATTORNEY GENERAL

By: /s/ C. Bryan Racer

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*Attorneys for Trooper Dakota DeMoss*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing Motion to Vacate Civil Case Management Order filed by Defendant, Dakota DeMoss, has been electronically filed with the Clerk of Court using the CM/ECF filing system. Notice of this filing will be forwarded to all counsel by operation of the Court's electronic filing system.

Monroe, Louisiana, this \_\_\_\_ day of September, 2021.

/s/ C. Bryan Racer  
COUNSEL